

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MOTOROLA, INC.,)	
)	
Plaintiff,)	HIGHLY CONFIDENTIAL-
v.)	FILED UNDER SEAL
)	ATTORNEY'S EYES ONLY
LEMKO CORPORATION, XIAOHONG)	
SHENG, SHAOWEI PAN, HANJUAN JIN,)	
XIAOHUA WU, XUEFENG BAI,)	
NICHOLAS LABUN, BOHDAN PYSKIR,)	
HECHUN CAI, JINZHONG ZHANG,)	
ANGEL FAVILA, ANKUR SAXENA,)	Case No. 08 CV 5427
RAYMOND HOWELL, FAYE VORICK,)	
and NICHOLAS DESAI,)	
)	
)	
Defendants.)	Judge Matthew F. Kennelly
)	
* * * * *)	Magistrate Judge Geraldine Soat Brown
LEMKO CORPORATION, SHAOWEI PAN,)	
XIAOHUA WU and XIAOHONG SHENG,)	
)	
Counter-Plaintiffs,)	
)	
v.)	
MOTOROLA, INC.,)	
)	
Counter-Defendant.)	

**PLAINTIFF MOTOROLA, INC.'S MOTION TO LIFT STAY REGARDING
SUBPOENAS**

Plaintiff Motorola, Inc. (n/k/a Motorola Solutions, Inc., and hereafter referred to as "Motorola"), by and through its attorneys, hereby respectfully submits this Motion to Lift Stay Regarding Subpoenas. In support thereof, Motorola states:

1. In January of 2011, Motorola served several subpoenas on third parties requesting documents relating to this action.

2. Shortly thereafter, Defendant Lemko filed a Motion for Protective Order (Dkt. 698), to which Motorola filed a Response and Opposition (Dkt. 703). On January 31, 2011, this Court entered an Order staying

“any further compliance with each of the subpoenas listed on Exhibit A hereto (the “Subpoenas”) until after the March 14, 2011 settlement conference set in this case, and no further response or action in connection with the Subpoenas is necessary until after that date and consistent with further Order of this Court. The Court intends to issue a further Order addressing the scope of the Subpoenas after March 14, 2011, if necessary.”

(Dkt. 707.) Counsel for Motorola raised the issue of the subpoenas at the hearing in this action on June 21, 2011, and the Court instructed that compliance with the subpoenas remain stayed. (Hearing of June 21, 2011, Tr. at 8:7-14.)

3. Given that discovery is proceeding again, Motorola requests that the Court permit Motorola to re-activate the process with regard to the subpoenas already served by Motorola and to serve any additional subpoenas necessary, for all of the reasons set forth in Motorola’s Response and Opposition filed on January 28, 2011. (Dkt. 703.)

CONCLUSION

WHEREFORE, for the reasons stated above, Motorola respectfully requests that this Court grant its motion to lift the stay regarding subpoenas and enter an Order that:

(1) this Court lifts the stay of compliance for any subpoena for which compliance was stayed pursuant to this Court’s Order of January 31, 2011. Subpoena recipients should respond to the subpoenas within a reasonable time, and, in no case, no later than August 26, 2011, absent agreement between counsel for Motorola and the subpoena recipient; and

(2) any additional subpoenas may be issued pursuant to the guidelines of the Federal Rules of Civil Procedure and all other applicable law.

Date: July 25, 2011

Respectfully submitted,

By: /s/ Deanna R. Swits

Dan K. Webb
Lawrence R. Desideri
Maureen L. Rurka
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, Illinois 60601
T: (312) 558-5600
F: (312) 558-5700

R. Mark Halligan
Deanna R. Swits
Jason T. Kunze
NIXON PEABODY LLP
300 South Riverside Plaza, 16th Floor
Chicago, IL 60606
T: (312) 425-3900
F: (312) 425-3909

Attorneys for Plaintiff Motorola, Inc.

CERTIFICATE OF SERVICE

I, Deanna R. Swits, an attorney, do hereby certify that I electronically filed the foregoing on July 25, 2011 with the Clerk of the Court using the electronic case filing system, and also served the sealed documents to all interested parties via electronic transmission.

Date: July 25, 2011

/s/ Deanna R. Swits

Attorney for Plaintiff Motorola, Inc.